

REMARKS

Independent claim 1, and dependent claims 3 and 7, have been revised to emphasize, more fully, applicant's unique, novel, and unobvious door stay employing a plush, toy body. Claims 1-9 are presently pending in the application.

Turning to the objection raised against the patent drawings, as set forth in clauses 2-4 on page 2, attorney for applicant has accorded reference numerals 30 and 31 to the legs of the plush toy, as shown in FIG. 4. The sheet of replacement drawing contains such revision.

Attorney for applicant notes that reference numeral --18-- appears in FIG. 1, of the replacement drawing(s), filed September 27, 2006. However, if the replacement drawing has been overlooked, or lost, attorney for applicant will re-submit same, if called upon to do so by the Examiner.

Element 17a has been removed from the drawings of record. Thus, the specification is silent, and does not describe the non-existent component.

Appropriate changes have been effectuated to claim 1, line 6, and to claim 3, line 2, to overcome the objection noted in clause 5 on page 3, of the Office Action. The Examiner's kind suggestions of alternative terminology are noted and appreciated.

Claim 7 has been revised to use the conventional term, "hook and loop connection" in lieu of the trademark/trade name Velcro. The specification has been revised to provide proper support for the conventional term.

The rejection in clause 9 of the Office Action, wherein claim 1 was rejected, under 35 USC 103(a), as being unpatentable over Radcliff, in view of Crook et al, has been rendered obsolete. Claim 1 has been revised to positively recite that "the door is prevented from closing to a point at which the door is contained within the door frame when the door is closed." Support for this material limitation is shown in the embodiment of FIGS. 8-10 of the application. Claim 1, as revised, presents new, useful, and unobvious subject matter that warrants patent protection.

In stark contrast to the relationships expressed in claim 1, the Radcliff reference (U.S. 5,004,279) is directed to a device having a portion adapted to overlie a door latch in order to retract the door latch into the door. This is done so that "the door may be opened or closed without twisting one of the knobs thereof" (see the Abstract). Thus, attorney for applicant submits, the purpose of the Radcliff device is not to prevent the door from closing to a point at which the door is contained within the door frame, but to allow the door to close to a point at which the door is contained within a door frame and then be opened again without twisting the door knob. By its very nature, there is nothing in the Radcliff device that would prevent the door from closing suddenly and waking a

Drawing Amendments

Kindly replace the second sheet of photographs, comprising Figs. 3 and 4, with the enclosed sheet of formal drawings. The legend "Replacement Sheet" appears in the top margin of the "Replacement Sheet".

sleeping child, or from a person receiving a crushing or trapping injury if the door closed suddenly. Both of these situations are identified as being problems with the prior art that the present invention seeks to overcome.

In light of this, attorney for applicant submits that the Radcliff document is not relevant to the present invention, as it neither identifies nor solves the problems of the prior art identified and overcome by the present invention.

In addition, attorney for applicant submits that a skilled artisan would not be lead to combine the disclosure of Radcliff with the disclosure of Crook (U.S. 4,811,454) to arrive at the present solution. The device of Crook holds a door fully open by mounting a toy on a bracket located on a wall and connecting the toy to a door handle. By contrast, the stated purpose of the present invention is to hold a door slightly ajar so as to provide a balance between reducing noise in a child's bedroom while still allowing a parent to hear any unusual sounds. The device of Crook does not provide this balance, as it holds the door completely open. Thus, while it may be possible to hear the child, there is no reduction in noise in the child's bedroom. This document neither discloses nor suggests that the toy could be used to provide a cushioning effect in a door maintained slightly ajar in the event of a gust of wind or the like.

In light of this, attorney for applicant submits that the Crook document is not relevant to the present invention, as it neither identifies nor solves the problem of the prior art identified and overcome by the present invention. In fact, it appears that the only similarity between this citation and the present invention is that Crook discloses a toy that is somehow used in connection with a door. Mounting a toy on a bracket on a wall, as in Crook, means that the Crook device can only be used in the one location, unlike the present invention which may be removed from one door and applied to another door quickly and easily. Furthermore, the installation of the device of Crook requires a significant effort, and causes damage to a wall, which is not required by the present invention.

As previously mentioned, the stated purpose of the device of Radcliff is to allow a door to open or close without twisting one of the doorknobs. If the teachings of Radcliff and Crook were combined, the resulting device would not meet the stated aim of Radcliff, as the door would be prevented from closing to a point at which the door is contained within the door frame due to the presence of the toy.

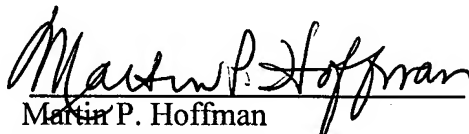
In light of the foregoing material distinctions, attorney for applicant asserts that the Examiner has relied heavily on the use of hindsight to arrive at the claimed invention, as expressed in claims 1-9, through the cited combination of prior art documents. The Examiner's combination of the prior art documents to arrive at the claimed solution is not valid, and a skilled artisan would

immediately understand that none of the documents identify the problem the present application seeks to solve. In addition, attorney for applicant submits that the preventing of a door from closing to a point at which the door is contained within a door frame is an important feature of the invention and provides some significant benefits, which the cited prior art entirely fails to identify and/or appreciate

Consequently, it is manifest that claim 1 of the application is non-obvious in light of the prior art. Also, the Examiner's grounds of rejection of dependent claims 2-9 are moot in light of the foregoing distinctions.

Prompt, and favorable, consideration of the instant Amendment is believed to be in order. If the Examiner believes that an interview, either over the telephone or on a face-to-face basis, would expedite prosecution, he is invited to contact the undersigned at 703.415.0100.

Respectfully submitted,


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